

NOTICE OF MEETING

Planning and Zoning Commission

September 9, 2009

Cochise County Complex

Board of Supervisors Hearing Room

1415 Melody Lane, Building G

Bisbee, Arizona

AGENDA

Meeting will begin at 4:00

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING.

ROLL CALL (Introduce Commission members, explain quorum and requirements for taking legal action.)

(Also explain procedure for public hearing, i.e., after Planning Director's Report, Applicant's presentation: limited to 15 minutes or at the discretion of the Chair, other persons will each have 4 minutes to speak followed by Applicant's rebuttal .)

CALL TO THE PUBLIC (Ask if any member of the public wishes to speak on any item not already on the agenda. Presentations limited to 5 minutes.)

APPROVAL OF PREVIOUS MINUTES (Call for a motion to approve the minutes from the August 12, 2009 meeting).

NEW BUSINESS

Item 1 – (Page 1) Request to Table to November 18, 2009 Meeting

Public Hearing: Docket SU-09-17, Tripp-Morales; Yaqui Electric: Consideration of a request for a Special Use Permit for two abutting parcels zoned RU-4 (Rural; minimum lot size 4 acres) to allow vehicle storage and business office activities related to the operation of 'Yaqui Electric'; pursuant to Sections 607.13 (contract construction services) and 607.26 (personal and professional services) of the County Zoning Regulations, to legitimize the existing business taking place at the Applicant's residential property. The subject parcels (tax parcel id# 107-15-031C and 031D) are located at 8435 and 8483 E. Madera Dr., respectively in Hereford (approximately ½-mile north of E. Ramsey Rd.).

Applicant: Stephanie Tripp-Morales.

Item 2 – (Page 2) Introduce Docket and advise public who the Applicants are.

Public Hearing, Docket SU-09-18: Consideration of a request for a Special Use Permit for a "Civic, Social, Fraternal or Business Association" land use, per Section 707.10 of the Zoning Regulations, to legitimize and expand an existing Community Garden on a 7.87 acre parcel. The expansion of the Chiricahua Community Garden in Elfrida would consist of a new entry gate, 2 ADA restrooms, 4 new green houses, a new ramada and a gazebo. The subject parcel (Parcel # 403-25-001K) is located at 10566 N. HWY 191 in Elfrida, AZ.

Applicant: Chiricahua Community Health Center

- Call for PLANNING DIRECTOR'S REPORT
- Call for APPLICANT'S STATEMENT
- Declare PUBLIC HEARING OPEN
 - Call For COMMENT FROM OTHER PERSONS (either in favor or against)
 - Call for APPLICANT'S REBUTTAL
- Declare PUBLIC HEARING CLOSED
- Call for COMMISSION QUESTIONS
- Call for PLANNING DIRECTOR'S SUMMARY AND RECOMMENDATION
- Call for MOTION
- Call for DISCUSSION OF MOTION

ANNOUNCE ACTION TAKEN - (Note: Any individual disagreeing with this action has the right to appeal to the Board of Supervisors within 15 days. An application for appeal is available tonight or Monday through Friday between 8 a.m. and 5 p.m. or anytime on the County website www.cochise.az.gov.)

Item 3 – (Page 20) Introduce Docket and advise public who the Applicants are.

Public Hearing, Docket Z-09-06, Guerrero: Consideration of a request to rezone a 1.75-acre parcel near Douglas from R-9 (Residential, minimum lot size 9,000 sq.-ft) to NB (Neighborhood Business, minimum lot size 3,600 sq.-ft.) to allow sale of hay to individual customers and to store hay on the premises for those customers. The subject parcel (tax id# 408-22-020) is located at 304 W. Crystal Ave., approximately ¼-mile west of incorporated Douglas.

Applicant: Mr. Ramon Guerrero, represented by Mr. Hector Hernandez, Agent.

FOLLOW FORMAT OF ITEM 2

ANNOUNCE ACTION TAKEN - (Note: Any individual disagreeing with this action has the right to appeal to the Board of Supervisors within 15 days. An application for appeal is available tonight or Monday through Friday between 8 a.m. and 5 p.m. or anytime on the County website www.cochise.az.gov.)

PLANNING DIRECTOR'S REPORT


1. Board of Supervisors Actions
2. No dockets for October

CALL TO COMMISSIONERS

ADJOURNMENT

COCHISE COUNTY PLANNING & ZONING COMMISSION MINUTES

Wednesday, August 12, 2009

 The regular meeting of the Cochise County Planning & Zoning Commission was called to order at 4:00 p.m. by Chair Basnar at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors Board Room.

ROLLCALL

Roll Call.

Present: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, John Wendell, Don Hudgins, Cruz Silva, Pat Edie.

Chair Basnar noted the presence of a quorum. He then introduced the Commissioners to the public. Chair Basnar then explained to the audience the procedures for considering a docket.

CALL TO THE PUBLIC



Chair Basnar opened the meeting to the public

Jack Cook explained a physical fitness regiment that was being performed by children in the park, and explained his concerns about the physical fitness of our youth.

Chair Basnar closed the meeting to the public.

APPROVAL OF THE MINUTES



Chair Basnar called for a motion to approve the minutes from the July 8, 2009 meeting.

Motion: Approve minutes as mailed,

Action: Approve, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

Chair Basnar explained a correction in the Call to the public. The minutes stated he closed the Call to the public and he was not present.

Member Martzke amended his motion, Member Brofer seconded.

Vote: Motion passed (**summary:** Yes = 5, No = 0, Abstain = 3).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, John Wendell, Pat Edie.

Abstain: Lee Basnar, Don Hudgins, and Cruz Silva.

Item 1

Docket R-09-02: Planning Director Susan Buchan asked the Commission to table to docket for consideration of adoption of a new ordinance entitled the "Cochise County Hazard Abatement Ordinance" to abate/remove rubbish, trash, weeds, filth, debris or damaged or dilapidated buildings which constitute a hazard to public health and safety and which may be compelled to be removed, with due process, from buildings, grounds, lots, contiguous sidewalks, streets and alleys within the unincorporated areas of the County. The Ordinance outlines the due process for formal notification, removal by the County and recovery of costs for removal, and appeal processes for property owners with hazardous materials.


Motion: Table to a non specific date,

Action: Table, **Moved** by Duane Brofer, **Seconded** by Pat Edie.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, John Wendell, Don Hudgins, Cruz Silva, Pat Edie.

Item 2

 **Docket SU-02-06A:** Planning Manager Susana Montana presented the docket for a Staff-initiated modification to conditions of approval for a Special Use Permit authorized by the Planning and Zoning Commission in 2002 to legitimize a truck repair service located at 181 S. Schrader Road, Parcel 107-48-005C, in Sierra Vista. Ms. Montana explained this is an old docket that has not been issued the Special Use permit due to a condition that has not been met by the applicant due to the economic slowdown. She presented photos of the location and explained the properties surrounding the business. She summarized the conditions of approval from 2002, and presented the staff recommended amended conditions.

Member Martzke asked if the 99% coverage was the chip seal.

Ms. Montana stated it was.

Rod Jensen, Applicant, stated they have cleared up many of the conditions since Ms. Montana has worked on the docket, and that he will continue to finish the other conditions as he can afford them.

Chair Basnar opened the meeting to the public.

George Mountjoy, representing property owners to the west and south, stated he feels the Applicant should have taken care of the conditions in the past so he feels the request should not be approved.

Teresa Price a civil engineer with Buck Lewis Engineering, representing the property owners to the east, stated they were formally in opposition to the request. She stated there have been crucial facts omitted, and feels the request should be denied. She further stated they wanted the screen wall enforced.

Chair Basnar closed the meeting to the public.

Rod Jensen stated the roadway costs in 2002 were quoted to him as \$40,000. He further stated he doesn't have the finances to continue at this time.

Mr. Brofer stated he is unsure of what transpired in 2002.

Motion: Approve the request for modification to the conditions and the waiver,
Action: Approve, **Moved** by Cruz Silva, **Seconded** by John Wendell.

Chair Basnar stated he was not comfortable with the request.

Member Brofer stated there was too much confusion involved with the docket for him to support the request, and not enough information from opponents.

Member Hudgins said there was not enough information to act today and therefore he could not modify the conditions.

Member Martzke stated he was concerned about waiving the screening between commercial and residential property.

Vote: Motion failed (**summary:** Yes = 0, No = 8, Abstain = 0).

No: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, John Wendell, Don Hudgins, Cruz Silva, Pat Edie.

Item 3



Docket SU-09-15: Planning Manager Susana Montana presented a request for a Special Use Permit to allow operation of a recycling center not open to the public for storage and bundling of recyclable materials including paper, plastics, aluminum, tin and cardboard, per Sec. 1205.06, located at 181 S. Schrader Road, Parcel 107-48-005C, in Sierra Vista. The Applicant, William Stone, also seeks the following site development standard modifications or waivers: (1) Modification of the Section 1203.02 required 80-foot setbacks from the eastern and southern property lines to allow a 5-foot setback from the southern property line and a 45-foot setback from the eastern property line; (2) Waiver of the Section 1203.05 screen wall on the western property line to allow the sight visibility triangle from the proposed 40-foot wide access driveway from S. Schrader Road; (3) Waiver of the Section 1804.07.B. requirement for asphaltic concrete surface material for properties within a Category A Growth Area, in favor of allowing the current chip-seal paving material covering the surface of the proposed Site; (4) Waiver of the Section 1806.02.A. landscaping of 5 percent of the parcel land area and a minimum 5-

foot landscape strip along the S. Schrader Road frontage; (5) Waiver of the Section 1203.03 maximum 85 percent site coverage to allow the existing 99% site coverage (structures and chip seal paving, except for the northern leach field); and (6) Modification of the Section 1807.02.B.2. requirement that there shall be a minimum of 500 feet distance between driveway entrances along S. Schrader Road, a planned arterial road, to allow the existing approximately 400 feet distance between the northern driveway and the southern driveway proposed to be used by the Applicant. She presented photos of the area and the site plan. She further explained the factors in favor and factors against. Staff has received 2 letters opposed to the proposal.

Chair Basnar asked why screening along Schrader Rd is being wavered.

Ms. Montana stated the properties west of Schrader Rd. are vacant and have mature native vegetation which would serve as an effective screen wall.

The Applicants Bill Stone and his daughter Lisa Levitt, testifying telephonically from Tucson, stated the property would be used for private recycling for their customers. The materials would be stored in a closed shed. The bundled products will be tarped until there are enough products to ship to a recycling center. The business will be run in the daytime hours only. The yard will be kept clean and pest free.

Chair Basnar opened the meeting to the public.

George Mountjoy stated he represents the DeAnda property to the south, he stated the recycling business is a light industry zoned business. He further stated other development is in the process however until the economy is better the project is on hold. Teresa Price represents Knee Deep Partners owners of property to the east, and stated they are opposed to the proposal.

Chair Basnar closed the meeting to the public.

Ms. Levitt stated it was a small recycling operation, and that they were just collecting the materials to take to Tucson to a large recycling center.

Ms Montana stated staff recommends approval with the standard condition of approval, staff also recommends approval of the waivers.

Motion: Approve based on the factors in favor as the findings in fact with the recommendations of waiver by staff,

Action: Approve, **Moved by** John Wendell, **Seconded by** Cruz Silva.

Mr. Martzke stated he feels the west property line should be screened.

Ms. Montana stated waiver #1 can be deleted.

Mr. Wendell stated he feels the Applicant should meet the conditions because the proposed use is zoned for light industry.

Member Brofer said screening on west could be delayed not waived.


Chair Basnar said the manufactured homes on the east side know that this was a general business property when they bought the land and their homes.

Vote: Motion failed (**summary:** Yes = 2, No = 6, Abstain = 0).

Yes: Rusty Harguess, Cruz Silva.

No: Jim Martzke, Duane Brofer, Lee Basnar, John Wendell, Don Hudgins, Pat Edie.

Item 4

 **Docket Z-09-05:** Planner Keith Dennis presented the docket to establish a truck terminal with warehouse space on a 3.3-acre parcel. The request is to rezone the property from TR-36 (Residential) to LI (Light Industrial), to allow these land uses to proceed as permitted uses, per Sections 1302.19 and 1302.20. The property is currently undeveloped, and is being split off from a parent TR-36 parcel which borders the HWY 191/De Muro intersection. The resulting parcel would border an existing LI District on the South and East sides. Mr. Dennis presented photos and maps of the area and explained the area uses. Mr. Dennis presented factors in favor and factors against. He stated staff had received 1 letter of opposition.

Commission Wendell asked if the objecting neighbor had been contacted with the changes.

Mr. Dennis stated they had not.

Chair Basnar asked for the Applicant's statement.

Jorge Reyes stated he would do whatever the Commission recommends.

Commissioner Hudgins asked if he had considered buying a lot in the industrial park.

Mr. Reyes stated he had just finished paying off the property.

Chair Basnar opened the meeting to the public.

Frank Ambriz stated he supports the proposal. He stated he owns property next to the property, and the industrial park does not sell individual lots.

Chair Basnar closed the meeting to the public.

Mr. Dennis stated staff is recommending forwarding a recommendation of approval to the Board of Supervisors for approval with the conditions stated by staff.

Motion: Forward a recommendation of approval to the Board of supervisors for approval, with the conditions stated by staff.

Action: Approve, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, John Wendell, Don Hudgins, Cruz Silva, Pat Edie.

Item 5

Public Hearing, Docket R-09-03: Planner Keith Dennis presented the Docket concerns Amendments to the Zoning Regulations to include a proposed set of site development standards for wind energy systems and wind energy power plants. Wind energy systems include turbines, blades, support structures, and electric power storage and transmission components for residential and commercial uses. Wind energy power plants are industrial-scale public or private utilities. The addition of wind energy systems to Article 18 (Site Development Standards) would be accompanied by wind energy-related text changes to Article 2 (Definitions), Article 19 (Signs), and amendments to Articles 6 through 15 (Zoning Districts). This is a Public Hearing, in which the Commission will be asked to forward their recommendations to the Board of Supervisors for action on the proposed Amendments.

Commissioner Brofer stated he agrees with not limiting height.

Motion: Forwarding a recommendation of approval to the Board of supervisors, **Action:** Approve, **Moved by** Duane Brofer, **Seconded by** Don Hudgins.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, John Wendell, Don Hudgins, Cruz Silva, Pat Edie.

Item 6

Docket SU-09-16: Planner Michael Turisk presented the request for a Special Use Permit in an RU-4 zoning district (Rural; minimum lot size 4 acres) to allow a vehicle tow yard for the temporary storage of up to 50 vehicles, pursuant to Section 607.46 (Impoundment Storage Yards) of the County Zoning Regulations. The parcel number is 407-34-012A and is located at 3381 W. Lefties Rd. in Douglas, just east of N. Kings Hwy. Mr. Turisk presented aerial photos, ground view photos and a site plan of the property. He further explained the Special Use factors along with the factors in favor and factors against. Staff has received 1 letter in support and 8 letters of opposition.

Carlos Villicana, Applicant, stated he is planning to chipseal the area and asphalt the entrance. He further stated he would use sawdust to absorb any fluids that would leak from the vehicles.

Commissioner Wendell asked about the length of time the vehicles would be on the property.

Mr. Villicana stated the vehicles would be picked up on a per call basis, but cars could not be picked up except from 9 to 5 Monday through Friday.

Chair Basnar opened the meeting to the public.

Robert Lopez stated he owns a towing service in Douglas that only works with law enforcement agencies. He supports the request.

Chair Basnar closed the meeting to the public.

Mr. Turisk stated staff recommends denial of the Special Use request.

Motion: Motion to approve Docket SU-09-16 with the staff recommendation of conditions 1 through 16,

Action: Approve, **Moved by** John Wendell, **Seconded by** Jim Martzke.

Member Hudgins stated that this was not a good fit for the established rural residential neighborhood.

Member Wendell stated it would be a tight fit for 50 cars.

Member Martzke stated impound yards are problems, especially in rural residential areas.

Vote: Motion failed (**summary:** Yes = 0, No = 8, Abstain = 0).

No: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, John Wendell, Don Hudgins, Cruz Silva, Pat Edie.

Item 7

Docket R-09-04: Planner Michael Turisk presented an amendment to Article 18 of the Zoning Regulations to include proposed sets of site development standards for solar energy systems and solar energy power plants. Solar energy systems and power plants include, but are not limited to, photovoltaic (PV) panels, inverters, support structures, heliostats, parabolic troughs, and power transmission components for residential, commercial and industrial-scale uses. The addition of solar energy systems and solar energy power plants to Article 18 (Site Development Standards) would be accompanied by solar energy-related text changes to Article 2 (Definitions), and amendments to Articles 6 through 15 (Zoning Districts). This is a public hearing work session to discuss the proposed amendments with the Commission.

Chair Basnar opened the meeting to the public.

Terry Jo Neff, stating she is speaking for four different agencies, stated the Solar Park Foundation feels screening of ground-mounted solar arrays is a barrier.

Chair Basnar closed the meeting to the public.

Motion: Move to forward the shown amendment to the Board of supervisors for approval and remove the screening requirement, **Action:** Approve, **Moved by** Duane Brofer, **Seconded by** Jim Martzke.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, John Wendell, Don Hudgins, Cruz Silva, Pat Edie.

PLANNING DIRECTOR'S REPORT

1. Board of Supervisors Actions was the approval of the Paradise downzoning.
2. Staff will be working on updating the Comp Plan.
3. Next Month there will be 3 dockets.
4. Staff experimented with sample motions; the Commission felt it was helpful.
5. Staff will work with the Commission to update their County e-mail box password.

CALL TO COMMISSIONERS

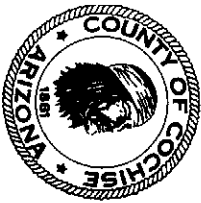
ADJOURNMENT

Motion: Adjourn,

Action: Adjourn, Moved by Don Hudgins, Seconded by Duane Brofer.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, John Wendell, Don Hudgins, Cruz Silva, Pat Edie.




COCHISE COUNTY PLANNING DEPARTMENT

1415 W. Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Susan Buchan, Director

TO: Planning and Zoning Commission

FROM: Michael Turisk, Senior Planner 

DATE: September 1, 2009

RE: Docket SU-09-17 ('Yaqui Electric'); Parcel 107-15-031C, located at 8435 E. Madera Dr. in Hereford.

Planning Staff requests that the Planning and Zoning Commission table Docket SU-09-17 ('Yaqui Electric') to a time certain, that being the Planning and Zoning Commission's regular meeting on November 18, 2009. Recently, it has come to Staff's attention that another commercial use is proposed for the subject parcel, thus the current Special Use Permit application is deemed incomplete. As you know, the Planning Department has a legal obligation to duly notify the public as to the full suite of proposed uses on a particular site or sites. Furthermore, additional time is required to allow Staff thorough review of all proposed uses to determine compliance with the Zoning Regulations and the potential for off-site impacts.

Should you have questions, please feel free to call me directly at 432-9253 or email me at mturisk@cochise.az.gov.

Cc: Docket file SU-09-17; parcel file 107-15-031C; Black Bear database



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Susan Buchan, Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Keith Dennis, Planner II
For: Susan Buchan, Planning Director
SUBJECT: Docket SU-09-18 (Chiricahua Community Health Center)
DATE: August 27, 2009, for the September 9, 2009 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant requests a Special Use Permit to legitimize/expand an existing Community Garden on a 7.87 acre parcel. The garden is used mostly by elderly patients from the adjacent Chiricahua Community Health Center. The expansion would include a new entry gate, 2 ADA restrooms, 4 new green houses, a new ramada and a gazebo. The land use category is "Civic, Social, Fraternal or Business Association," per Section 707.10 of the Zoning Regulations.

The subject parcel (Parcel # 403-25-001K) is located at 10566 N. HWY 191 in Elfrida, AZ. The Applicant is the Chiricahua Community Health Center.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

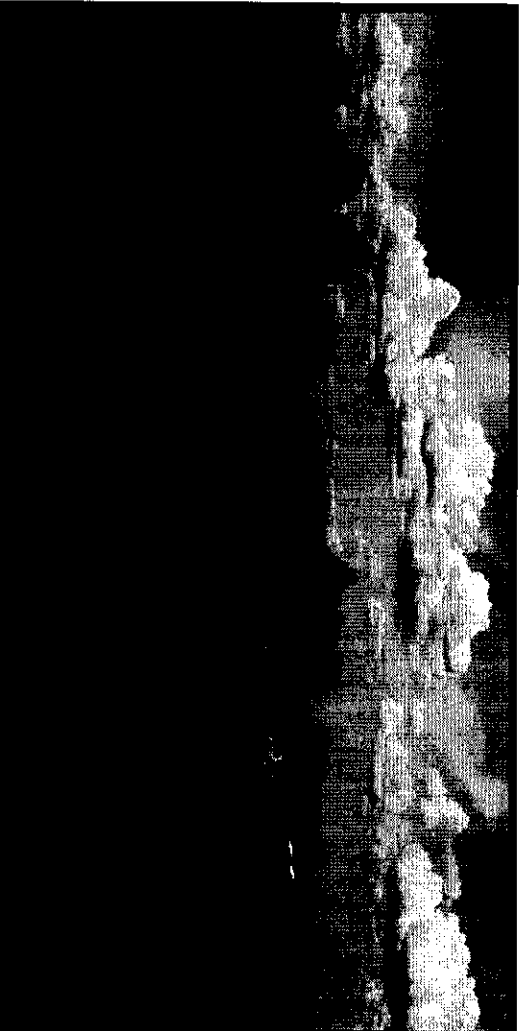
Size: Approximately 3 acres of a 7-acre parcel
Zoning: TR-36 (1 dwelling per 36,000 square feet)
Growth Area: Growth Category C
Plan Designation: Developing
Area Plan: Elfrida Area Plan
Existing Uses: Community Garden, Accessory Garage (used by the clinic)
Proposed Uses: Unchanged, with 2,880 square feet of additional greenhouse space and a 480 square foot, ADA compliant restroom facility.

Surrounding Zoning

Relation to Subject Parcel		Zoning District	Use of Property
North		TR-36	Single Family Residences
South		TR-36	Chiricahua Health Center, Undeveloped Land
East		TR-18	US 191, Undeveloped Land
West		TR-36	Single Family Residences

II. PARCEL HISTORY

2005 – Permit for a 1,560 square foot garage, as an accessory to the Health Center on the neighboring parcel South.



Looking West at the Chiricahua Health Center Community Gardens.

III. PROJECT DESCRIPTION

The Community Garden project began in late 2004. The Chiricahua Community Health Center (CCHCI) originally obtained funding for the project through a SAMHSA grant (Substance Abuse and Mental Health Services Administration). The grant funding was allocated for projects promoting nutrition and active lifestyles for senior citizens. Recently, CCHCI obtained a USDA grant for Community-Supported Agriculture, to encourage local food production.

The approximately 3-acre garden has since become an active hub of the community. Over the last five years, the site has been host a number of community functions considered accessory or incidental to the garden's primary function. Among these are regular farmers' markets, potluck dinners for CCHCI patients and staff, Cinco de Mayo events, USDA tree planting workshops, and memorial services. These activities fit within the "Civic, Social, Fraternal or Business Association" land use category (Section 707.10 of the Zoning Regulations).

Realizing the need to have the existing and proposed structures properly permitted, the Applicant has come forth of their own initiative to seek a Special Use Permit to legitimize and expand the operation (See site plan on following page). The expansion would include:

- A 480 square foot ADA-approved restroom facility;
- ADA-approved parking spaces (2);
- A redesigned entryway; and
- Two new 1,440 square foot greenhouses on the West side of the property.

The Applicant has also requested modifications/waivers to site development standards. These are discussed in Section IV(F) of this Memo.

A. Compliance with Duly Adopted Plans: Complies

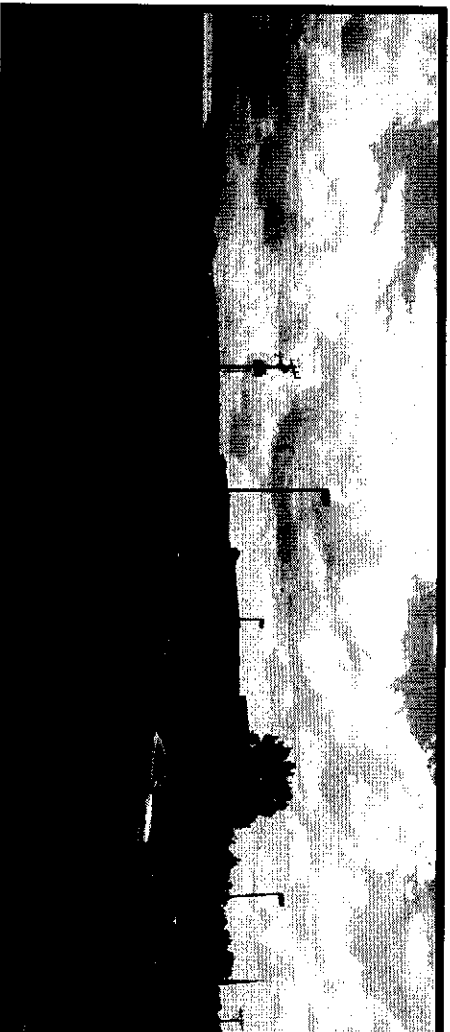
As a development within a Category C Growth Area, the project conforms to the criteria established in the Comprehensive Plan as a community-serving, agricultural enterprise. The project also satisfies the Elfrida Community Plan policies, as it is "compatible with the rural character of Elfrida and its environs."



View looking West at the Southwest portion of the site.



View to the land South of the property (Looking Southwest).



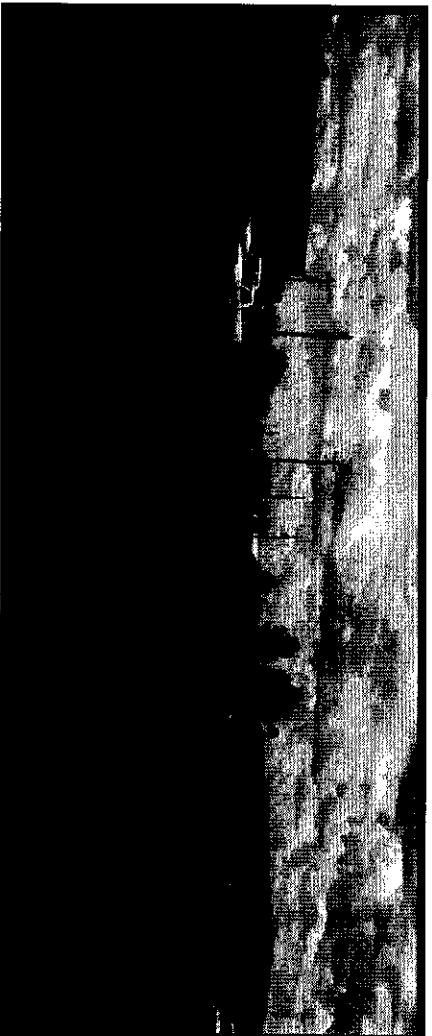
Southeast view of the Health Center.

B. Compliance with the Zoning District Purpose Statement: Does Not Comply

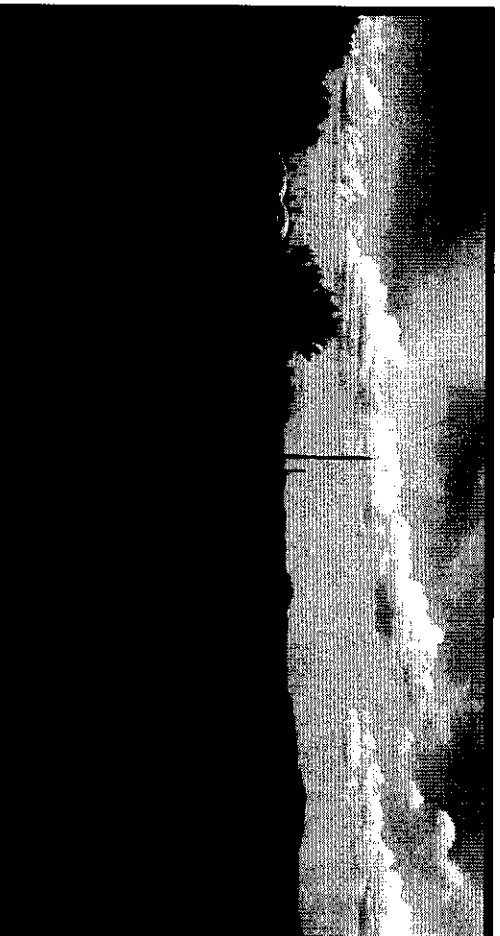
R (Residential) zoning districts are established to achieve the following purposes:

- To provide an area for family living at a variety of low to medium densities;
- To provide an area where single-household dwellings, rehabilitated mobile homes and manufactured homes can co-exist; and
- To provide a transition between higher residential densities found in urbanized areas and very low densities found in the County's rural, unincorporated areas.

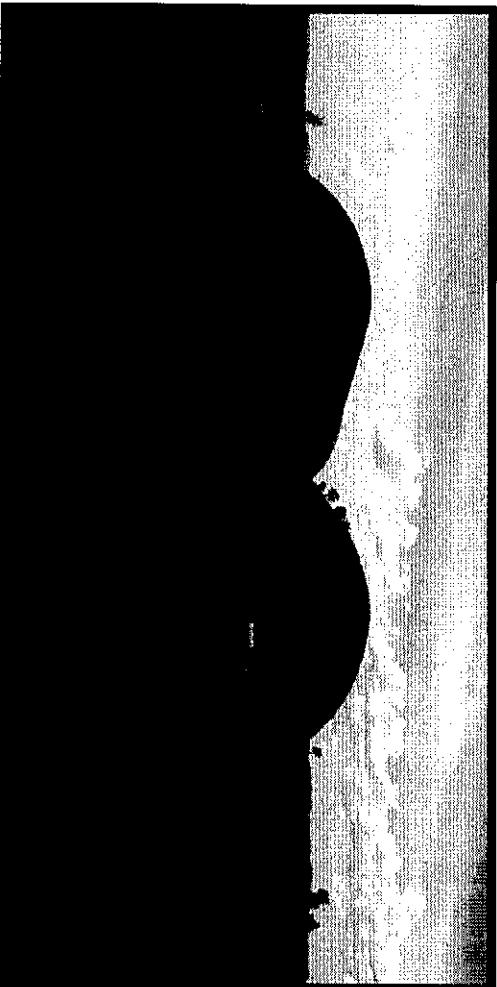
Although the Article 7 Purpose Statement does not provide a rationale for any non-residential use, a number of such uses are allowed as permitted and Special Uses.



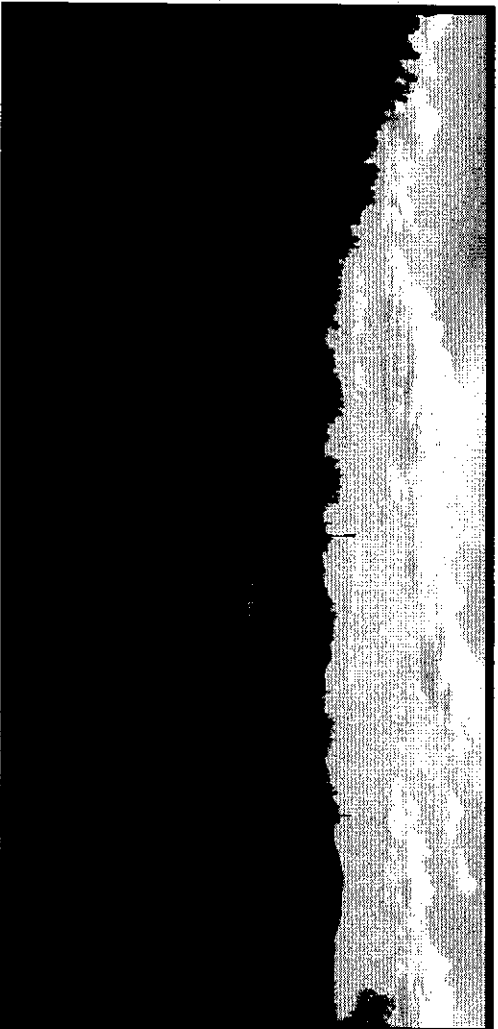
Eastern/Northeastern view of the property. The garage is at left; the 191 access is center.



Looking West along the Northern property line. The portable restrooms at left are to be replaced with site-built, ADA-approved restrooms.



Above: Southwest view of the existing greenhouses (West side of property). Two more greenhouses are proposed to the right of these structures. Below: existing greenhouse towards the East side of the property. The existing greenhouses do not meet the required 40-foot setback for Special Uses in a TR District.



C. Development Along Major Streets: Compiles

This factor analyses impacts to major streets generated by new points of access. The property takes access from US Highway 191. The project site utilizes an existing curb cut on this thoroughfare, and no new points of access are proposed. The Transportation Planner's comments (attached) do, however, address the existing access to 191: *"The applicants should...be advised that the maintenance of both aprons onto Highway 191 are the responsibility of the applicants. Early and on-going maintenance of these aprons will prevent the need for complete reconstruction; asphalt-concrete aprons can expect to deteriorate over time and typically last for 15-20 years...Although not required for this permit, the applicants should be aware that maintenance on both aprons is recommended and future replacement of the southern apron should be considered within the next five years. "*

D. Traffic Circulation Factors: Complies

The Comprehensive Plan Transportation Policies (Section 102.B.3) suggest that non-residential uses should have access to arterial and/or collector roads. The project does comply with this policy, and does not result in non-residential traffic through residential-serving streets.

E. Adequate Services and Infrastructure: Complies

The site is served by an on-site well and septic system. SSVEC provides electricity, and the Elfrida Fire Department provides fire protection. The project takes access from a road that is adequate for the use.

F. Significant Site Development Standards: Does Not Comply (See Conditions #1, #3, and Requested Modifications)

The Applicant requests the following modifications/waivers to site development standards:

1. To allow the existing greenhouses and the proposed greenhouses and restrooms to be within the 40-foot setback;
2. To allow the existing parking area and dirt surfacing to remain (2-inch deep gravel required);
3. That the parking area be allowed to stay where it is (40-foot separation from adjacent residential District required);
4. A waiver from the loading space requirement (2 spaces required); and
5. To allow the existing garden vegetation to count as an approved screening method.

Space for approximately 24 spaces (not counting the two required ADA spaces) is shown on the site plan immediately East of the garden, but there is more than one acre of clear land available for additional parking. Condition #1 would require that the parking area be dimensioned on a revised site plan to reflect at least 51' 9" x 19' parking spaces on the site. Condition #1 would further require that two ADA-approved parking spaces, with firm, stable surfacing leading up to the entrance to the garden be shown prior to issuance of a building permit.

G. Public Input: Complies

The Applicant completed the required Citizen Review Report prior to submitting the Application, and received no response. The Department also completed the required legal advertising, property owner notices and site posting. The Department has received no response from neighbors regarding the project.

H. Hazardous Materials: Not Applicable

Per the Applicant, no hazardous materials would be stored on the property.

I. Off-site Impacts: Complies

Apart from traffic entering and exiting Highway 191, the existing and expanded uses would have minimal off-site impacts. The garden area is set back approximately 300 feet West of the 191 Right-of-Way; being set on this part of the property means the garden is essentially surrounded by undeveloped land. There is minimal noise generated on the property, and glare and odors are negligible. The native surface of the parking areas may make some small contribution to ambient dust in the area, however this is not considered significant nor out of character with the surrounding neighborhood.

J. Water Conservation: Complies (Subject to Condition #2)

As a non-residential development larger than one acre, the project is considered a "major development" with regard to the Comprehensive Plan Water Conservation Policies (Section 102.E). The garden land use requires regular irrigation, which is done by hand at this time. The Applicant does intend to seek additional grant funding to install solar-powered, timed drip irrigation systems within the next five years. Staff recommends, as condition of approval #2, that the Applicant utilize low-flow fixtures where possible in the proposed ADA bathrooms, in order to conserve water. Note that should this condition be found incompatible with ADA standards, the ADA standards will take precedence.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 1,000 feet. Staff posted the property on August 13, 2009 and published a legal notice in the *San Pedro Valley News-Sun* on August 20, 2009. To date, the Department has received no letters of support or opposition to the Special Use request.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Special Use

1. The project serves and supports the community in several important ways, including providing a meeting place for the community, a farmer's market, opportunities to foster interest in agriculture and locally-grown food, as well as opportunities for volunteerism and for senior citizens to stay active and involved in the community.
2. With Conditions #1 and #2, and the granting of requested modifications, the project would conform to eight of the nine applicable Special Use Factors listed in Section IV of this Memo.

Factors Against Approval

None Apparent.

VII. RECOMMENDATIONS

Based on the factors in favor of approval as findings of fact, Staff recommends **conditional approval** of the Special Use request, with the following conditions:

1. Within thirty (30) days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall submit and obtain a building/use permit for the project within 12 months of approval, including a completed joint permit application. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified/waived) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire, and appropriate fees. A permit must be issued within 18 months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant.
2. The restrooms shall be equipped with low-flow fixtures as a water conservation measure, unless such measures conflict with ADA requirements.
3. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.
4. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional modification and approval by the Planning and Zoning Commission.

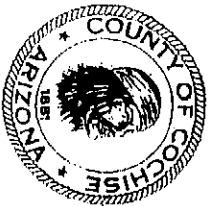
VIII. REQUESTED MODIFICATIONS TO SITE DEVELOPMENT STANDARDS

The Applicant requests the following modifications/waivers to site development standards:

1. To allow the existing greenhouses and the proposed greenhouses and restrooms to be within the 40-foot setback;
2. To allow the existing parking area and dirt surfacing to remain (2-inch deep gravel required);
3. That the parking area be allowed to stay where it is (40-foot separation from adjacent residential District required);
4. A waiver from the loading space requirement (2 spaces required); and
5. To allow the existing garden vegetation to count as an approved screening method.

IX. ATTACHMENTS

- A. Special Use Application
- B. Location/Surrounding Zoning Map
- C. Site Plans and Concept Drawings
- D. Transportation Planner's Comments
- E. Citizen Review Report
- F. Requested Modifications to Site Development Standards



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Susan Buchanan, Director

COCHISE COUNTY PLANNING DEPARTMENT
COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE
(TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER: 403-25-001K

APPLICANT: Chiricahua Community Health Center

MAILING ADDRESS: 10566 Highway 191, Elfrida AZ 85610

CONTACT TELEPHONE NUMBER: (520) 508-8882

Paula Robinson = probinson@cchci.org
PROPERTY OWNER (IF OTHER THAN APPLICANT):

ADDRESS: 10566 West Hwy 191

Elfrida AZ 85610

DATE SUBMITTED: 2-23-09

Special Use Permit Public Hearing Fee (if applicable)

Building/Use Permit Fee

Total paid

\$ 300.00
\$
\$ 300.00

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (Please note that nine (9) copies will be required for projects occurring inside the Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Citizen Review Report, if special use.

6. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)

7. Hazardous or Polluting Materials Questionnaire, if applicable.

OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Sierra Vista Sub-Watershed Water Conservation Overlay Zone Permit Checklist
7. Traffic Impact Analysis (TIA): Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.
8. Material Safety Data Sheets
9. Extremely Hazardous Materials Tier Two Reports
10. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

PART TWO - QUESTIONNAIRE

In the following sections, thoroughly describe the proposed use that you are requesting. Attach separate pages if the lines provided are not adequate for your response. Answer each question as completely as possible to avoid confusion once the permit is issued.

SECTION A - General Description (Use separate sheets as needed)

1. What is the existing use of the property? Community Center now vacant

2. What is the proposed use or improvement? the building is in full use.

3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? NO Impact

4. Describe all intermediate and final products/services that will be produced/offered/sold.

produce / vegetables

5. What materials will be used to construct the building(s)? (Note: if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

pic green houses

6. Will the project be constructed/completed within one year or phased? One Year _____
Phased ☒ if phased, describe the phases and depict on the site plan.

Completed within 5 years

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 5 Hours (from 8 AM to 5 PM)

B. Number of employees: Initially: _____ Future: _____
Number per shift Seasonal changes 100 employees

- C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.

2 to 5

(2) Total trucks (e.g., by type, number of wheels, or weight)

aka none

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

OK

(4) If more than one direction, estimate the percentage that travel in each direction

N/A

(5) At what time of day, day of week and season (if applicable) is traffic the heavies

N/A

D. Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

Estimated total gallons of water used: per day 8000 per year _____

E. Will you use a septic system? Yes X No ____ If yes, is the septic tank system existing? Yes X No ____
Show the septic tank, leach field and 100% expansion area on the site plan.

F. Does your parcel have permanent legal access*? Yes X No ____
D. If no, what steps are you taking to obtain such access?

*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet.

Does your parcel have access from a (check one):

County-maintained road
State Highway 191

**If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

G. For Special Uses only - provide deed restrictions that apply to this parcel if any.
Attached NA X

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	<u>Private</u>	
Sewer/Septic	<u>Private</u>	
Electricity	<u>APS</u>	
Natural Gas	<u>Yes</u>	
Telephone	<u>Quest</u>	
Fire Protection	<u>Elfrida Fire</u>	

SECTION B - Outdoors Activities/Off-site Impacts

I. Describe any activities that will occur outdoors.

Swimming

2. Will outdoor storage of equipment, materials or products be needed? Yes X No ~~E~~ if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. N/A

3. Will any noise be produced that can be heard on neighboring properties? Yes ___ No X if yes: describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties? _____

4. Will any vibrations be produced that can be felt on neighboring properties? Yes ___ No X if yes, describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? _____

5. Will odors be created? Yes ___ No X If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? _____

6. Will any activities attract pests, such as flies? Yes ___ No X If yes, what measures will be taken to prevent a nuisance on neighboring properties? _____

7. Will outdoor lighting be used? Yes ___ No X If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications. _____

8. Do signs presently exist on the property? Yes X No ___ If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan. _____

A. 2'x4' B. _____ C. _____ D. _____

9. Will any new signs be erected on site? Yes ___ No X If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?
Yes No X

If yes, will storm water be directed into the public right-of-way? Yes No X

Will washes be improved with culverts, bank protection, crossings or other means?
Yes No X

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)

asphalt

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.) OK

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?

Yes No X If yes, show details on the site plan. Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.

SECTION C - Water Conservation and Land Clearing

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

Grassland (existing)

2. How many acres will be cleared? none
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.)

SECTION D - Hazardous or Polluting Materials

Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemicals wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, or biological agents. Engine repair, dry cleaning, manufacturing and all uses that commonly use such substances in the County's experience require completion of the attachment.

No X Yes ____ If yes, complete the attached Hazardous Materials Attachment. Engine repair, manufacturing and all uses that commonly use such substances in the County's experience also require completion of the attachment.

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts. The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333.)

SECTION E - Applicant's Statement

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature

John C. Paccanell

Date signed

02-23-05

RU-4

TR-36

CB

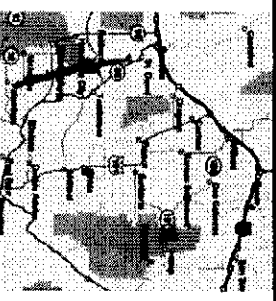
**W ANTHONY LN
Project Site**

RU-2

W MURPHY RD

W ORCHARD LN

TR-36



SU-09-18
(Chiricahua Health
Center Community
Garden)
Zoning Map

This map is a product of the
Cochise County GIS



3

DESERT SPARKS CONSTRUCTION

7-22-09

GRADE
AREA
SEE SHT. #2

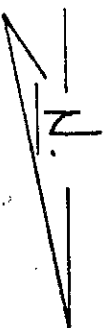
CHIRICAHUA COMMUNITY
HEALTH CENTERS-INC.
10566 N. HWY. 191
EL PASO, AZ
85616

PROPOSED DEEN RESTROOMS-
SEE SHT. #2

SITE PLAN

SC: 1" = 150'

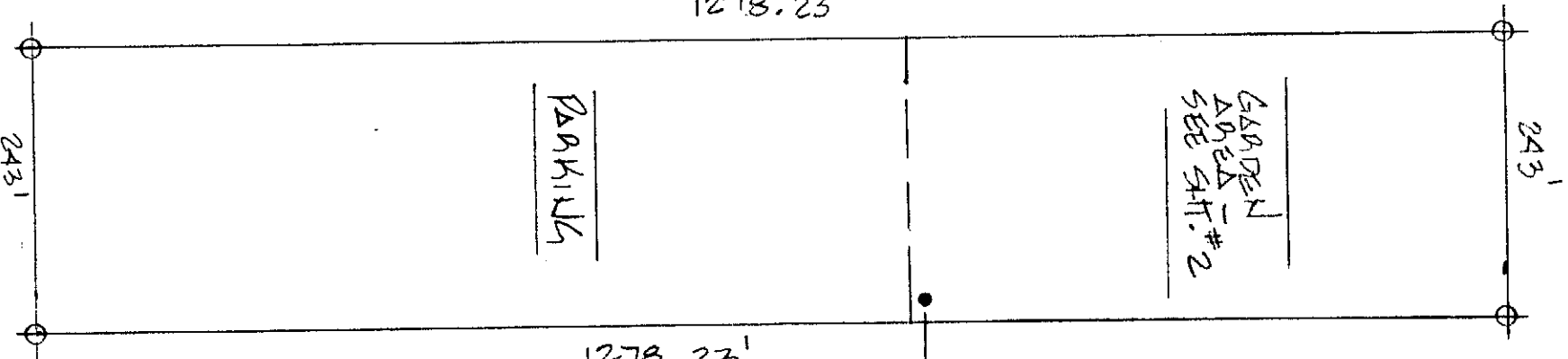
PANCEL # 403-25-001K



PARKING

1278.23'

1278.23'



NOTE:

ALL EXISTING STRUCTURES
ON SHT. #2 ARE NOT PERMANENT.

7-22-09

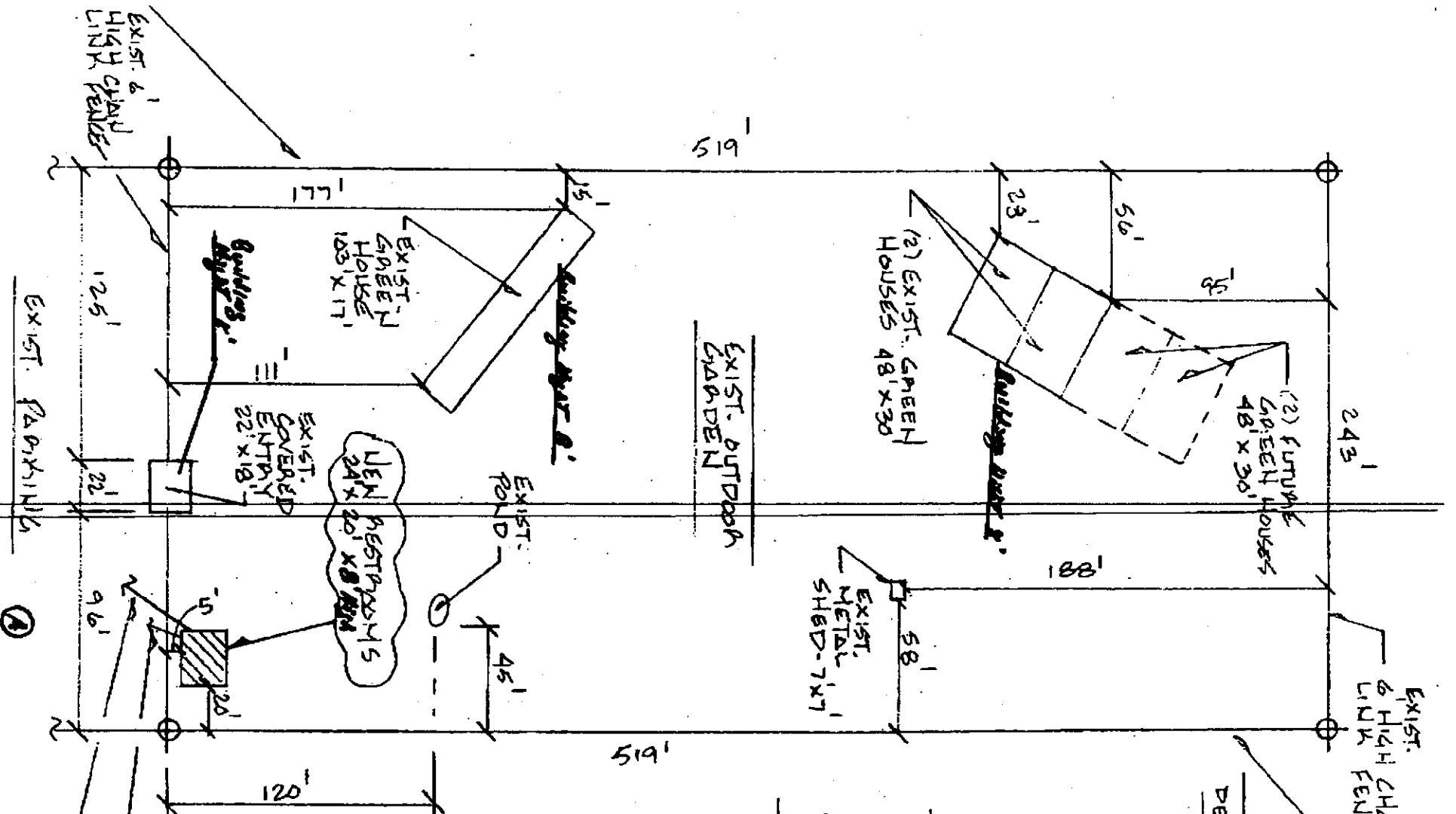
SITE PLAN

500 = 1000

Parcel # 403-25-00114
CHIRICAHUA COMMUNIT
HEALTH CENTERS-
COMMUNITY GARDEN
ELFRIDA, AZ.



There are no
clashes with the
Fest of the
August 5th



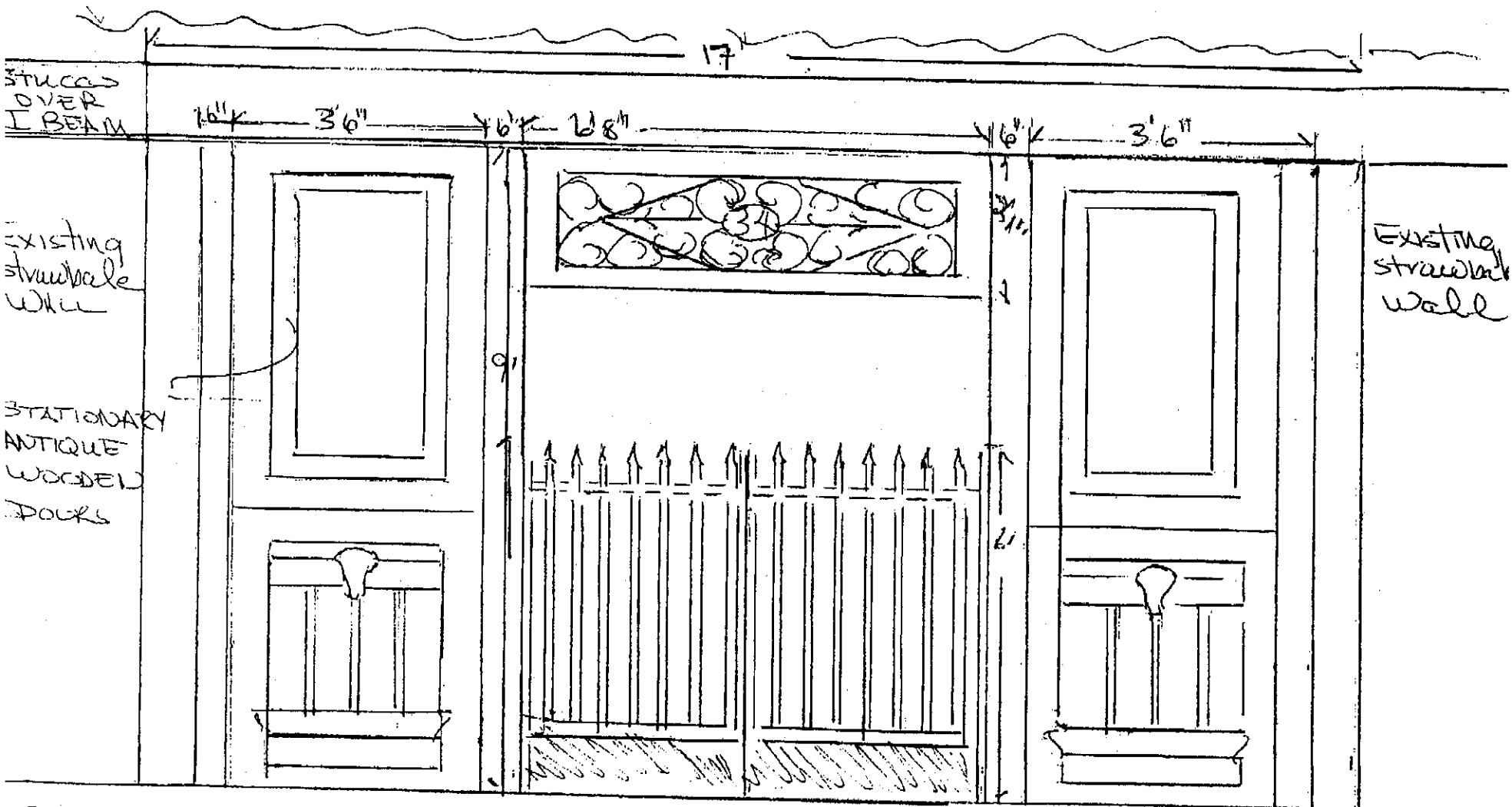
5HT. #2 of 2

ELFRIDA COMMUNITY GARDEN GATE

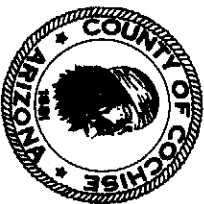
SCALE $\frac{1}{2}" = 1 \text{ FOOT}$

" 3 "

Corrugated Roof



ANTA WOOD



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Susan Buchan, Director

MEMORANDUM

TO: Keith Dennis, County Planner

FROM: Karen L. Lambertson, County Transportation Planner

SUBJECT: SU-09-18/Parcel Number 403-25-001K

DATE: August 20, 2008

The Chiricahua Community Health Center plans to expand an existing community garden and include a ramada and gazebo along with greenhouses and ADA restrooms. This type of use is ancillary to the primary function of the Health Center and used primarily by the patients of the Health Center. The site is operated primarily by volunteers and is expected to be built out by 2014. A Farmer's market is open on Friday's and is open to the public.

The site is reached by State Highway 191 via the existing access points for the Health Center located in the Elfrida area. Both access points were approved by ADOT; the northern driveway is a concrete apron approved in 2005. Both access points show some signs of normal wear and tear.

Recommendations

A fairly large expanse of native soil separates the Health Center and the Garden area. At the present time there are no designated pathways between the Health Center and the Garden, nor are there identified parking areas (ample area exists for parking both at the Health Center and the surrounding space between the Center and the Garden). Typically, there would be a requirement for 2 inches of gravel on these surfaces; it is recommended that this requirement be waived in favor of the compacted native soil surface in place at this time with a recommendation that over time, as the Garden expands, that the applicants consider the following:

- Create a winding, designated pathway between the Health Center and the Garden and investigate various pathway surfaces such as compacted decomposed granite (1/4 minus grade suggested) and/or soil stabilizers such as natural soil pavements as might be found in desert landscape venders.
- Separate with natural barriers such as boulders, railroad ties, planters etc parking areas on both sides of the pathway.
- Eventually, use compacted granite or gravel (no larger than ¾ minus recommended) to improve the appearance and control dust in the large parking areas and designated travel corridors.

D

The applicants should also be advised that the maintenance of both aprons onto Highway 191 are the responsibility of the applicants. Early and on-going maintenance of these aprons will prevent the need for complete reconstruction; asphalt-concrete aprons can expect to deteriorate over time and typically last for 15-20 years. Crack sealing may be helpful to maintain the concrete edging along Highway 191 on the northern concrete apron. Although not required for this permit, the applicants should be aware that maintenance on both aprons is recommended and future replacement of the southern apron should be considered within the next five years.

Prior to doing any work in the ADOT ROW the applicants should contact the ADOT, Safford District's Permit office for an Encroachment Permit. Permit information is available on-line at: <http://www.dot.state.az.us/Highways/Districts/Safford/index.asp> or the applicant may contact Armando Membriola, Permits Office at Safford District, at 2082 US Hwy 70, Safford, AZ 85546; or call 928.432.4915

cc: Docket SU-09-18, ADOT Tucson and Safford District Offices, Parcel File

Chiricahua Community Health Centers, Inc.



"The Clinic with a Heart"

Chiricahua Community Health Centers, Inc.
Sembrando Salud / Sowing Wellness
Elfrida Community Garden

Dear Property Owners,

As you probably are aware there is a community garden in Elfrida, we are hopeful that you have had the opportunity to visit our garden.

To be in compliance with the Cochise County Planning and Zoning department we have been asked to contact our neighbors to inform you of an addition to the garden. We want to add an entry gate, 2 ADA restrooms, 4 new green houses, another ramada, a gazebo, and an additional horno. These changes/ additions are expected to be made over a 5 year period if approved.

Enclosed is a picture of the existing gate that leads into the garden and also drawing of the proposed gate that will grace the entry way, this gate will be the first addition made to the garden.

You are invited to submit comments on our request to place a gate at the entrance of the garden.

- Project Location:
 - 10566 North Highway 191
 - Elfrida, Arizona 85610
- Project Description:
 - Entry Gate

Your input is important to us, we would be happy to discuss this with you; if you have any questions please contact us before July 15, 2009. Make sure your questions are answered.

✓ Submit written comments to:

Sembrando Salud
PO Box 263
Elfrida, AZ 85610

✓ Email comments to:

probinson@cehci.org

✓ To talk to someone, ask for Linda or Paula: (520) 642-2222

Jennifer 'Ginger' Ryan Clinic
1100 F Avenue
Douglas, Arizona 85607

Cliff Whetten Clinic
10566 Highway 191, PO Box 263
Elfrida, Arizona 85610

Bisbee Clinic
108 Arizona Street
Bisbee, Arizona 85603

F

Name	Response	Contact	Returned
AZ Express Conduit LLC			
Bomes Lela			X not deliverable as ad
Bowling Raymond f & Robbie R			
Cappello Angelo & Carrole			
Chiricahua Comm Health Centers, Inc			
Collett Patricia			
Collett Robert h & Mildred F			
Corp of the Presiding Bishop			
DeLaCruz Guadalupe & Jacqueline			
Elder Dennis & Winnie			
Gipson Floyd Eugene & Ida M			
Harr Timothy G & Chanan L			
Hunt Alex G & Peggy B			
Jimenez Patricia			
K M Sticker & Company LLC			
Klewer Stacey E			
Law Glenn I & M L Penny			
Pierce Gerald & Eva L			
Renova Guillermo & Roxane			
Scott Frances A			
Scott John Owen			
Sermar Enterprises Inc			
Sierra Mario			
Sierra Rita A			
Spear Gloria Gene LIV Trust			
Taylor Charlotte W			
Valley Recreation Council			
Wallace Henrietta			
Walter Herbert O & Christa M			
Waters Charles L & Pam C			
Watson Darryl K & Elsie Mary			
Webb Mothers Club			
Wooldridge Mark L & Constance L			
Zamora Manuel P REV TR			

X - Vacant - unable to

7

Chiricahua Community Health Centers, Inc.



"The Clinic with a Heart"

August 27, 2009

Keith Dennis - Planner II
Cochise County Planning and Zoning
1415 E Melody Lane
Bisbee AZ 85603

Dear Mr. Dennis:

Chiricahua Community Health Center requests the following modifications/waivers to site development standards:

1. To allow the existing greenhouses and the future restrooms to be within the 40-foot setback.
2. To allow the existing parking area and dirt surfacing to remain. There is more than enough room for the 51 parking spaces required by staff, and we will be installing two handicapped spaces near the garden entrance. We further request that the parking area be allowed to stay where it is (instead of being set back 40 feet from property lines).
3. We also request not to have to provide two loading spaces. We do not typically have large trucks visit the site and there is plenty of room to load or unload in front of the entrance should the need arise.
4. We also request not to have to install screening along the property lines.

Thank you for your kind consideration,

Respectfully submitted

A handwritten signature in black ink, appearing to read "Ginger Ryan".

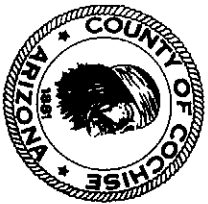
Ginger Ryan, MBA Ph.D.
Chief Executive Officer

Administrative Office

1205 F Avenue

Douglas, Arizona 85607

520-364-1429 • fax 520-364-4261




COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Susan Buchan, Director

MEMORANDUM

To: Planning and Zoning Commission
From: Michael Turisk, Senior Planner 
For: Susan Buchan, Planning Director
Subject: Docket Z-09-06 (Ramirez; Guerrero; Hernandez)
Date: August 31, 2009 for the September 9, 2009 Planning and Zoning Commission meeting

APPLICATION FOR A REZONING

This is a request to rezone a 1.75-acre parcel near incorporated Douglas from R-9 (Residential, minimum lot size 9,000 sq.-ft) to NB (Neighborhood Business, minimum lot size 3,600 sq.-ft.) to permit retail hay sales. The Neighborhood Business districts allow for a maximum sales floor area of 2,500 sq.-ft. for permitted principal uses; the Applicant has proposed a sales floor area of approximately 1,600 sq.-ft. The subject parcel (tax id# 408-22-020) is located at 304 W. Crystal Ave., approximately ¼-mile west of incorporated Douglas.

Applicant(s): Mr. Richard Ramirez; Mr. Ramon Guerrero; *Mr. Hector Hernandez, Agent for Applicant*

Description of Subject Parcel

Parcel Number: 408-22-020
Current Zoning: R-9 (Residential; minimum lot size 9,000 sq. ft.)
Proposed Zoning: NB (Neighborhood Business; minimum lot size 3,600 sq. ft.)
Existing Growth Area: Category B
Existing Plan Designation: NR (Neighborhood Rehabilitation)
Area Plan: None
Total Rezoning: Approximately 1.75-acres
Existing development: Horse stables; corrals; hay shed; chapel
Proposed uses: Same as above (however, this rezoning request is intended to legitimize hay sales)

Surrounding Zoning & Land Use

Relation to Subject Parcel	Zoning District	Use of Property
North	R-9	vacant
South	R-9	E. Crystal Ave.; single-family residences
East	R-9	single-family residence
West	R-9	N. Valley St.; single family residences

Parcel History

5/2009 - Violation-09-0167 for operating a feed store without a permit; and
7/2009 - Violation-09-0240 for placing a mobile home without a permit, constructing a chapel without a permit, operating a hay sales business without a permit and commercial horse boarding without a permit.



Figure 1; 1,600 sq. ft. hay shed

I. BACKGROUND/NATURE OF THE REQUEST

This is a request to rezone approximately 1.75-acres near incorporated Douglas from R-9 (Residential; minimum lot size 9,000 sq. ft.) to NB (Neighborhood Business; minimum lot size 3,600 sq. ft.) in order to permissibly establish retail hay sales. The intent of this rezoning request for Neighborhood Business is to remedy a recent violation for a commercial horse boarding stable and hay sales without the proper zoning and commercial permits (hay sales are not allowed in the R districts and *commercial* horse boarding is allowed as a 'horse property' and commercial boarding stable since circa 1950. However, despite assertion from the Applicant, and three submitted, signed and notarized affidavits of non-conformance, the Planning Department determined that the commercial horse boarding stable and hay sales activities are *non-conforming* because of a lack of evidence to the contrary. In other words, the Applicants could not demonstrate that the commercial boarding stable and hay sales activities occurred prior to January 1, 1975 and were in continuous usage since the time the activities were established (two criteria to which legal, non-conforming uses must comply.) If this rezoning request is approved, the Applicant would need to subsequently apply for a Special Use permit for a *commercial* horse boarding stable. *However, the Applicant asserts that the boarding stable is for personal horses only.* Per Section 1815 of the Zoning Regulations, personal horse boarding is *permitted* on any site 36,000 sq. ft. or larger, with no limit placed upon the number of animals on a particular 36,000 sq. ft. or larger site, thus a Special Use Permit would not be required.

Regarding the subject property, currently, there are a variety of structures/uses on the subject parcel, including boarding stables, equestrian training facilities, corrals, a small animal enclosure (housing a small number of hens, rabbits and goats) and a recently constructed 96 sq. ft. chapel. There is also a dilapidated mobile home on the site that is slated for removal and shortly. The Neighborhood Business districts allow for a maximum retail sales floor area of 2,500 sq-ft. for permitted principal uses; the Applicant has proposed a hay sales area of approximately 1,600 sq.-ft. (in this case the total square-footage of the hay shed).

I. BACKGROUND/NATURE OF THE REQUEST (cont.)

This area of the County was subdivided many years ago, but never built-out as was intended. This scenario is oft-referred to as a 'paper subdivision'. A number of premature or so-called 'paper subdivisions' exist around Cochise County; these properties are known as such because the only recognition of the lots is on paper, as many of these sites were not supplied with adequate water, roads or other services. Indeed, this area is designated by the Comprehensive Plan as a Neighborhood Rehabilitation (NR) area; these are areas that typically 'lack adequate infrastructure and are unable to provide for adequate public health, safety, welfare and general convenience' (see *Factor 2, Compliance with Site Development Standard*, pg. 4). Paper subdivisions are often found near to areas that were anticipated to experience more intense residential growth, often near established town-sites or population centers. The lack of services and the long-standing rural zonings that are associated with these subdivisions are often constraining and offer limited uses and/or construction on what are predominantly residentially sized allotments. However, the properties also have limited rural value to the owners due to the small size of the holdings or their residential zoning classifications.

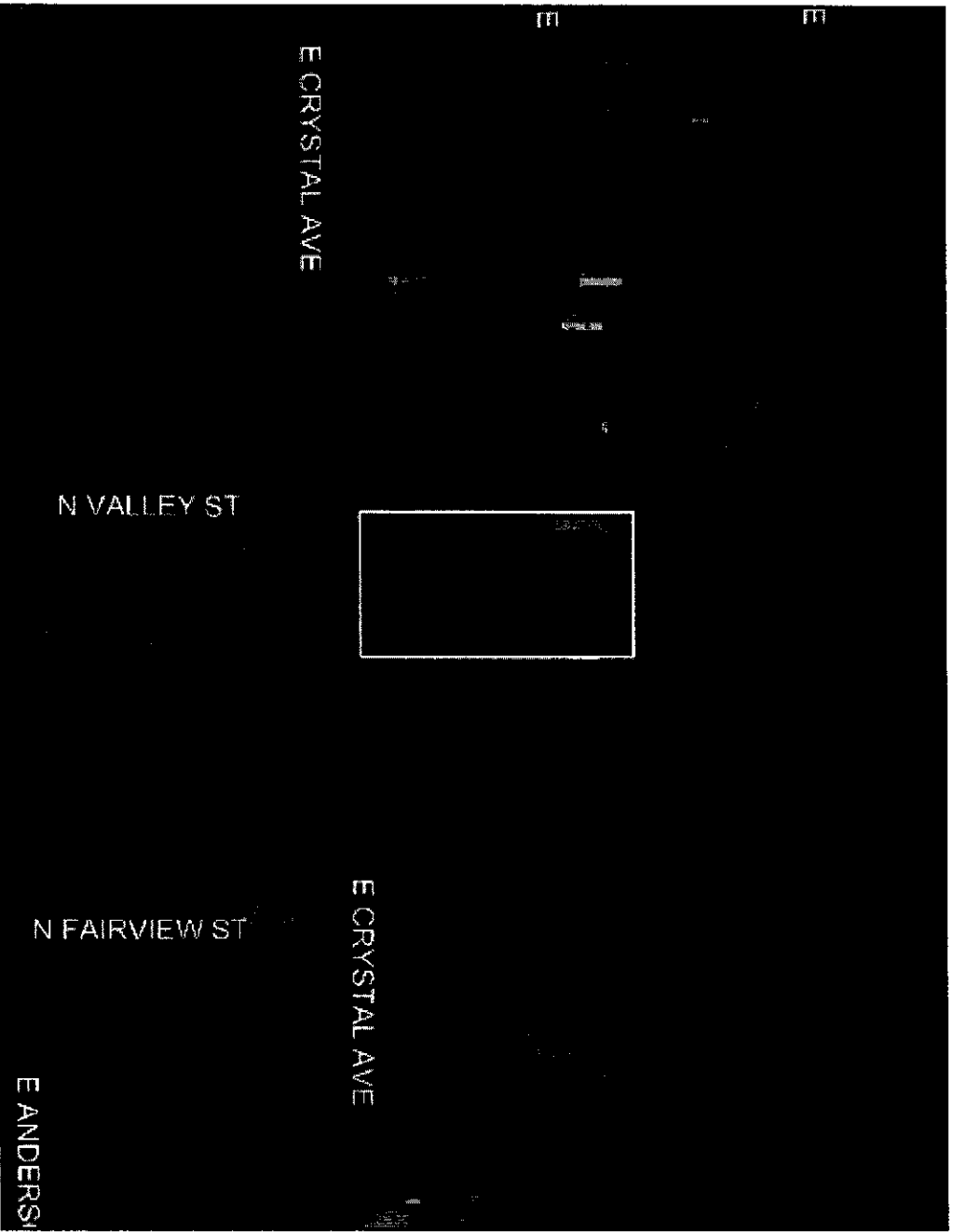


Figure 2; aerial photo; subject property outlined in white

II. ANALYSIS OF IMPACTS

Summary of Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations list 14 factors in evaluating rezoning requests. This request complies with seven (7) factors, may not comply with one (1) factor and does not comply with three (3) factors, thereby creating a presumption in favor of approval. Three (3) factors are not applicable to this rezoning request.

1. Land Use/Concept Plan – Does not comply

The application is accompanied by a site plan considered inaccurate regarding the property dimensions and locations of existing structures. The submitted site plan also indicates two driveway access points; however, aerial photographs suggest only one access point. Also, a second access was not noted during a site visit. The Applicant has been made aware of the need to confirm the accuracy of the site plan and resubmit. If approved, Condition 1 speaks to the need for a revised site plan showing all required elements as part of the building permit application process.

2. Compliance with Applicable Site Development Standards – Does not comply

Per Section 2003.02(A), if any non-conforming use is discontinued for a period of twelve (12) consecutive months, any future use thereof shall be in conformity with the Zoning Regulations. As was noted, the commercial boarding stable and hay sales activities were determined to be non-conforming, per Staff correspondence dated 28 May 2009 (*see attached*), and thus, all structures and uses are subject to current site standards for the R-9 zoning district. If the Applicants are denied this rezoning request, the structures and uses (including the boarding stables) would be required to adhere to the minimum site development standards for the existing R-9 zoning district, as the non-conforming structures are not compliant with the minimum site development standards for this zoning district. All construction and uses on lots deemed non-conforming must conform to current site development standards for the zoning district in which the construction and uses are located. If this rezoning request for Neighborhood Business is approved, the structures and uses, including the 96 sq. ft. chapel built without a permit, must comply with the site development standards for the Neighborhood Business district.

The Comprehensive Plan indicates that the subject property lies within an area designated Neighborhood Rehabilitation (NR.) Per Article 4, Neighborhood Rehabilitation areas are characterized by:

- *Residential neighborhoods with a high number of deteriorating dwellings;*
- *Substandard infrastructure; the area is unable to provide for adequate public health, safety, welfare and general convenience; and*
- *Community interest in improving the area.*

Projects located within Neighborhood Rehabilitation areas are afforded more flexibility in site development standards if deemed appropriate to facilitate improvements. This policy is especially important in light of the fact that the existing structures do not comply with a number of site development standards for the current R-9 zoning district (because the uses were determined to be non-conforming) or for the proposed Neighborhood Business district. This flexibility would come into play if and when the Applicants request variances from various site development standards. For example, at the permitting phase for the structures and uses, the Applicants would need to comply with the following site development standards if the property remains R-9 or is rezoned to NB:

- Sections 704.07 (Residential districts) and 1103.03 (Neighborhood Business districts) requires the developed area of the non-residential site be screened with a 6-foot high solid screen in Category A, B, or C Growth Areas whenever a non-residential use abuts a residential zoning district or is separated there from by an alley. The Applicant would be required to install screening at the perimeter of any non-residential use;
- Sections 704.04 and 1103.04 requires a minimum 10 foot and 20 foot setback from all property boundaries in the Residential districts and Neighborhood Business districts, respectively (setbacks are doubled for Special Uses);
- Section 1804.06(F)(3) requires one-way driveways be a minimum of 12 feet in width;
- Section 1804.07(C)(2) requires modified pavement (DBST) for all driveway and parking spaces in Category B Growth Areas. The internal driveway is improved with chip seal, although it is aged and degraded. Parking areas are dirt;



Figure 2; left to right - boarding stables; chapel; hay shed

2. Compliance with Applicable Site Development Standards (cont.)

- Section 1805.05 requires dedicated standard and disabled parking spaces, the number of which is determined by the use(s);
- Section 1806.02(B) requires all uses in and Category B Areas shall to have landscaped a minimum of 5 percent of the total developed area of a site. Landscaping is approved as part of building permit approval; and
- Section 1815.03 requires stables, corrals, and piles of manure and areas where livestock may concentrate be set back from all property lines a minimum of 50 feet. The small animal pen (mentioned on pg. 2) located approximately 33 feet from the west property line would have to be relocated because the structure houses goats, which are considered livestock.

Maximum site coverage in both the R-9 districts and Neighborhood Business districts is 65%. Based on the submitted site plan and aerial photographs, this standard would not be exceeded by the existing structures. Again, all construction and uses must comply with all applicable site development standards for the Neighborhood Business districts, if approved. If this rezoning request is denied, all construction and uses would need permits and have to comply with the site development standards for the R-9 districts. (The Applicants have the option of applying for variances from minimum site development standards.)

3. Adjacent Districts Remain Capable of Development – Complies

The proposed Neighborhood Business district would not result in the reduction of adjoining zoning districts to a size or shape incapable of reasonable development for typical uses within that district; therefore, rezoning the subject parcel would not adversely affect the capability of adjacent properties to develop.

4. Limitation on Creation of Non-conforming Uses – Complies

Section 2208.03(B)(4) indicates that a rezoning of an area containing a high percentage of uses that do not conform to the regulations of the proposed district should be discouraged. This section of the zoning regulations further states:

'Exceptions should be granted only when a determination is made that other advantages offered by the proposed rezoning offset the undesirable effects of the nonconforming lots or uses that will be created as may often be the case in *Neighborhood Rehabilitation* and Enterprise Redevelopment designations.' Because the site lies within a Neighborhood Rehabilitation area, areas where improvements and development are encouraged, the proposed rezoning would comply with this rezoning factor.

5. Compatibility of Existing Development – Complies

Per Article 11, the Neighborhood Business districts are established to achieve the following purposes:

- *To provide areas for small shops, businesses and service establishments in convenient locations to meet the daily needs of households in surrounding residential areas;*
- *To preserve the essential neighborhood character of the district by preventing encroachment by more intensive commercial uses having market areas extending beyond nearby neighborhoods;*
- *To maintain compatibility between neighborhood-oriented commercial areas and adjacent residential areas; and*
- *To avoid any undue concentration of vehicular traffic on local districts.*

The zoning in this area is predominately Residential up to 36,000 sq. ft lots. However, this zoning reflects the 'paper subdivision' mentioned on pg. 3 and not the actual on-the-ground development in the area which is more characteristic of a rural zoning designation. Horse boarding activities are considered in keeping with community character, as there are 'horse properties' in the surrounding area, so rezoning to Neighborhood Business would not compromise the rural residential character or quality of life for neighboring parcel owners. Furthermore, ancillary retail hay sales comport with the existing 'horse' activities and would also provide a local service. Although rezoning the site may be akin to 'spot zoning' (partly defined as the zoning of parcels not in conformance with the general zoning of an area), the Neighborhood Business zoning district is more restrictive compared to other commercial districts in that the types of permitted uses are more limited and, in terms of retail sales, the maximum size or footprint of the sales floor area is limited to 2,500 sq. ft. The overall intent or purpose of the Neighborhood Business districts is to be more considerate of residential uses that are often found nearby, but at the same time allow neighborhood-serving commercial activities that are in scale with nearby residential development.

6. Rezoning to More Intense Districts – Complies

If approved, the new Neighborhood Business district would not be buffered from the adjacent Residential districts by an intermediate district of sufficient size to provide what might be considered a reasonable transition of intensity. However, as was mentioned, the Neighborhood Business districts are intended to harmonize with and complement the general character of the rural residential community in which it is located.

7. Adequate Services and Infrastructure – Complies

Adequate services are available, including electricity, phone service, and an on-site well and septic system. The Pirtleville Fire District provides emergency services.

8. Traffic Circulation/Adequate Road Infrastructure – May not comply

The subject parcel takes access onto E. Crystal Ave., a County-maintained and improved local road. It is not expected that rezoning the site for the purpose of legally establishing ancillary retail hay sales will generate additional trip generation to warrant significant improvements. If approved, Condition 1 requires the Applicant to obtain a commercial permit for the hay sales activities, and any construction or activities related to the hay sales component would have to comply with the *current* site development standards for the newly created Neighborhood Business district.

However, for safety reasons, the installation of cattle guards is often a requirement or condition for a commercial use involving horses or other livestock. Since the boarding activities are considered non-conforming, cattle guards would possibly be a requirement in this situation.

9. Development Along Major Streets – Complies

A site visit revealed that the subject parcel has one obvious access point off of E. Crystal Ave. This access point would not create traffic conflicts or hazardous traffic congestion.

10. Infill – Not applicable

The Zoning Regulations encourage infill development in areas designated Enterprise or Enterprise Redevelopment to ensure that adequate infrastructure is in place and that there is a precedent for commercial and/or industrial uses in the area. The site is not within an Enterprise or Enterprise Redevelopment Zone, thus this rezoning factor is not applicable to this request.

11. Unique Topographic Features – Not applicable

The site lacks any significant topographic features such as disparate terrain or significant washes, so this rezoning factor is also not applicable to this particular request.

12. Water Conservation – Does not comply

The Applicant has not indicated what water conservation measures are or will be employed. New and relevant construction must conform to the water conservation policies detailed in Section 1820 of the Zoning Regulations.

13. Public Input – Complies

Per the requirements of Section 2203 and the Citizen Review process, the Applicant completed the Citizen Review process by mailing letters to neighboring property owners within 1,000 feet detailing the nature of the request and inviting property owners to submit comments. The Applicants received fourteen (14) signatures of support for the rezoning within 1,500 feet of the subject parcel. Five (5) letters were returned 'undeliverable.' A legal notice was posted on the property and legal notice published in the *San Pedro Valley News-Sun*. Official notice from the Planning Department was mailed on August 13, 2009. To date, the Department has received two (2) form letters in support of this rezoning request (within 300 feet of the subject parcel.)

14. Hazardous Materials – Not applicable.

Per the Applicant, no hazardous materials will be used/and or stored on the site.

III. SUMMARY AND CONCLUSION

This is a request to rezone a 1.75-acre parcel near incorporated Douglas from R-9 (Residential, minimum lot size 9,000 sq.-ft) to NB (Neighborhood Business, minimum lot size 3,600 sq.-ft.) to allow for hay sales from a 1,600 sq. ft. hay shed (the Neighborhood Business districts allow for a maximum retail sales floor area of 2,500 sq-ft. for permitted principal uses.) The property has been used as a 'horse property' for a number of years in spite of those activities currently considered non-conforming. Commercial use of the boarding stables is non-conforming because the Applicants could not demonstrate that the activities began prior to 1 January 1975 and did not cease for a period of 12 months or more from the time those activities were established. Rezoning the parcel for the purpose of legally establishing hay sales would not jeopardize the rural residential character of the area, and in fact, would provide a local service. If approved, however, the structures and uses, including the 1,600 sq. ft. hay shed and the 96 sq. ft. chapel, would be required to comply with the site development standards for the new Neighborhood Business district.

Factors in Favor

1. Rezoning to a restrictive commercial district like Neighborhood Business would not result in the inability of neighboring parcels to develop;
2. The subject property has been used as a 'horse property' for many years; hay sales would complement the existing uses;
3. The property is located within a Neighborhood Rehabilitation (NR) area; these are areas where there is community interest in neighborhood improvements. Also Neighborhood Rehabilitation areas are afforded more flexibility in site development and building code standards if deemed appropriate to facilitate improvements; and
4. The Applicants received fourteen (14) letters of support for rezoning the site to Neighborhood Business. The Planning Department has received two (2) form letters of support (within 300 feet of the subject parcel.)

Factors Against

1. Rezoning to Neighborhood Business might be considered 'spot zoning', as the properties in the area are zoned Residential with commercial zoning lacking in the immediate area;
2. Commercial hay sales would introduce low-level non-residential traffic to an area that is considered rural residential; and
3. The Applicants built at least two (2) structures without permits.

IV. RECOMMENDATION

Based on the factors in favor, Staff recommends that Z-09-06, a request to rezone 1.75 acres from R-9 to Neighborhood Business be forwarded to the Board of Supervisors with a **recommendation of approval**, with the following Conditions:

1. The Applicant shall submit a building permit application for the hay shed, parking areas, screening and other site development standards for the proposed use within 12 months of the Board of Supervisors' approval. The building permit shall include a site plan in conformance with this approval and meeting all site development standards, County Building and Safety Codes, Septic System and Well codes, and appropriate fees. Failure to meet this condition will cause the rezoning approval to be deemed void, upon 30-day notification to the Applicant; and
2. The Applicant shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning.

Attachments

Rezoning Application

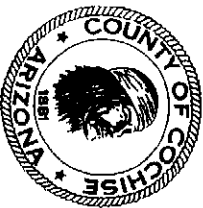
Site Plan

Location Map

Staff Correspondence

Affidavits of Non-conformance

Citizen Review Letters and County Form Letter Responses



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Susan Buchan, Director

*PAID
\$424.75
7/22/09
[Signature]*

COCHISE COUNTY REZONING APPLICATION

Submit to: Cochise County Planning and Zoning Department

1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: Ramon Guerrero *Acting*
Hector Hernandez agent

2. Mailing Address: 1305 E. 7th St.

Douglas Az. 95607

City

State

Zip Code

3. Telephone Number of Applicant: (520) 245-8360

4. Telephone Number of Contact Person if Different: () 4/c

5. Assessor's Tax Parcel Number: 408 - 22 - 020 (Can be obtained from your County property tax statement) Number of acres proposed for rezoning: _____

6. Applicant is (check one):

- ☐ Sole owner: ✓
- ☐ Joint Owner: _____ (See number 8)
- ☐ Designated Agent of Owner: _____
- ☐ If not one of the above, explain interest in rezoning: _____

7. If applicant is **not** sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:

- ☐ List attached (if applicable): _____

8. If applicant is **not** sole owner, indicate which **notarized** proof of agency is attached:

- ☐ If corporation, corporate resolution designating applicant to act as agent: _____
- ☐ If partnership, written authorization from partner: _____
- ☐ If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application.

9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:

- ☐ Copy of deed of ownership: _____

- Copy of title report: _____
- Copy of tax notice: _____
- Other, list: _____

10. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached.

Will approval of the rezoning result in more than one zoning district on any tax parcel?

Yes _____ No ✓

11. Is more than one parcel contained within the area to be rezoned? Yes _____ No ✓
 ▪ If yes and more than one property owner is involved, all property owners must sign the attached consent signature form.

12. Indicate existing Zoning District for Property: TR-9

13. Indicate proposed Zoning District for Property: NB

Note: A copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached. Review this criteria and supply all information that applies to your rezoning. Feel free to call the Planning Department with questions regarding what information is applicable.

14. Comprehensive Plan Category: B (A County planner can provide this information.)

15. Comprehensive Plan Designation or Community Plan: NK (A County planner can provide this information.)

Note: in some instances a Plan Amendment might be required before the rezoning can be processed. Reference the attached rezoning criteria, Section A.

16. Describe all structures already existing on the property: Stables - (8) - 1 Studio - Storage Bldg - (open) -

17. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. At a minimum, attach a Land Use/Concept Plan per Section 2208.03 B.1. of the Zoning Regulations. No changes -

18. Citizen Review Report attached? Yes ✓ No _____ (Note: a rezoning application is not considered complete without a citizen review report per Section 2203 of the Zoning Regulations)

19. Which streets or easements will be used for traffic entering and exiting the property?

Cypress Street

These streets are (check one): _____ Private _____ County-maintained _____ *Other

*If you checked private or other, attach documentation describing your right to use this access for the use proposed.

20. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? n/a

21. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? 2

22. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	<u>City of Douglas</u>	
Sewer/Septic	<u>Septic</u>	
Electricity	<u>APS</u>	
Natural Gas	<u>—</u>	
Telephone	<u>Qwest</u>	
Fire Protection	<u>Fire Dept. Puyallup</u>	

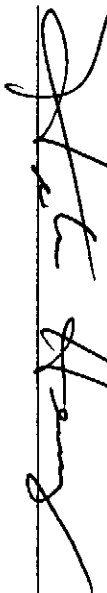
23. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional pages as needed).

There is no resale place in this area - we need to start developing this area & provide the services to the citizens.

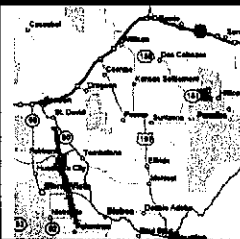
24. AFFIDAVIT

I, the undersigned, do hereby file with the Cochise County Planning Commission this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the Cochise County Planning Department staff to enter the property herein described for the purpose of conducting a field visit.

Applicant's Signature:



Date: 7/20/08



Z-09-06

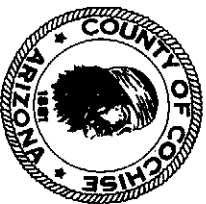
This map is a product of the
Cochise County GIS



0' 1" = 1200'

Legend

- Zoning:
- MIXED (Primarily R-9)
 - SR-8
 - R-36
 - Parcels
 - Subject Parcel
 - City of Douglas



COCHISE COUNTY PLANNING DEPARTMENT
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Susan Buchan, Director

May 28, 2009

Richard Ramirez
833 E. 4th Street
Douglas, AZ

RE: Docket No. V-09-0167; Legal, non-conforming use status of Parcel 408-22-020, located at 304 E. Crystal Avenue in Pirtleville, AZ.

Dear Mr. Ramirez:

We are in receipt of three signed and notarized affidavits of non-conformance related to the above-referenced parcel in which each of the signatories, Jose Juan Munoz, Hermelinda Rojas, and Trinidad Ramirez, attest that the current commercial horse boarding and sale of hay to the general public took place on the property prior to 1975 and was in continuous usage since that time.

Unfortunately, these affidavits were not accompanied by any evidence of the business operation taking place on the property before 1975 when the TR-9 residential zoning was first placed on the property. The Pirtleville Fire District Chief, Tony Vaca, recalls that Mr. Campas has been operating his stables there for many years, quite possibly prior to 1975, but he has no record of this early use of the property. The County Assessor has been assessing and taxing the property as a residential property since 1965. The first use permit for the property with our Department was issued in 1988 for an 840 square foot manufactured home. That permit acknowledged that there were corrals on the property but did not note that there was commercial boarding of the horses or the sale of hay.

Without any receipts from the business operation occurring on the property and dated before 1975, photographs of commercial horse boarding and signage on the property prior to 1975, or other evidence of those operations, we cannot verify that those uses did occur prior to 1975. We appreciate the efforts of the three signatories on the affidavits, but we would need verification from our County Assessor of the pre-1975 business activity. Please note that if you were granted the legal nonconforming use status for the commercial boarding facility and the retail sale of hay on the property, the County Assessor would re-assess the property and tax it as a commercial property. Without some further material to demonstrate the pre-1975 commercial use of the property, we must deny your request for legal non-conforming use status for the commercial stable and retail sale of hay at the property. As such, your current violation must be remedied by cessation of the commercial boarding of horses on the property and you must cease selling hay to boarders and to

Mr. Richard Ramirez

May 28, 2009

Parcel 408-22-020

Docket V-09-0167

Page 2 of 2

the general public. Mr. Saylor, the County Zoning Enforcement Officer, will be in contact with you to coordinate compliance with the Zoning Regulations.

Please note that you may appeal this determination to the District 2 Board of Adjustment by submitting an Appeal Form, along with a \$150 fee, to our Department within 30 days of the date of this letter. The form can be found on our webpage by going to www.cochise.az.gov; on the top menu banner, click on Departments and scroll down to Planning and Zoning; on our webpage on the left side menu, click on Forms and Packets and scroll down to the "Appeal To the Boards of Adjustment Form" and print that and fill it out. Please note that if you submit the Form and fee within 30 days of the date of this letter, along with justification for the appeal, the District 2 Board of Adjustment meeting we could schedule your case for would likely be August 5th.

If you have any questions about this matter, please feel free to contact Mr. Saylor at (520) 432-9240 or csaylor@cochise.az.gov, or Planning Manager Susana Montana at (520) 432-9252 or smontana@cochise.az.gov.

Sincerely,



Susan Buchanan, Planning Director

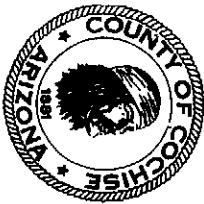
C. Chris Saylor, Zoning Enforcement Officer

Susana Montana, Planning Manager

Rick Corley, Zoning Administrator

Dora Flores, Permit Coordinator

Parcel File and Black Bear



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

COCHISE COUNTY
Susan Buchan, Director

MAY 22 2009

AFFIDAVIT OF NON-CONFORMANCE

PLANNING
304 E. 28th St. Av. Pottsville, AZ
The undersigned does hereby swear and affirm that the below described non-conformance did exist to the stated extent on Tax Parcel # 408-22-020 before January 1, 1975 (or other applicable date the site became non-conforming) and has continued without cessation to the present date.

DESCRIPTION OF NON-CONFORMANCE

Commercial Boarding, see above;
Sale of Alpha Realty

In witness whereof, the signer does execute this Affidavit, providing the attached supporting documentation, and attesting to the truth of the non-conformance described herein.

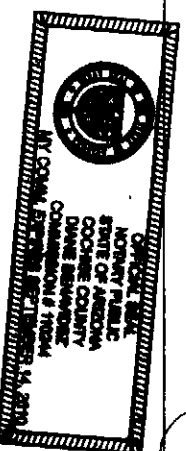
By: Therese L. R. R. R.

State of Arizona)
) ss
County of Cochise)

This instrument was acknowledged before me this 21st day of May 2009 ___ day of _____, 2000 by Therese L. R. R. R.

Wanda R. R. R.
Notary Public

My Commission Expires: 9.14.10

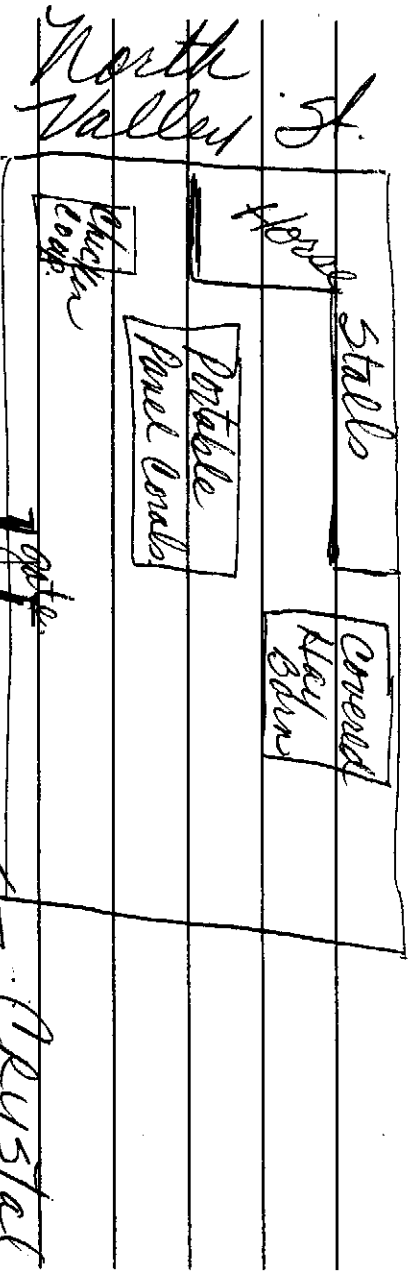


DETERMINATION OF STATUS OF NON-CONFORMANCE

1. Describe in detail the type of non-conforming use and all structures in existence when the use became non-conforming, including measurements of the physical extent of the use. PLEASE ALSO PROVIDE A DETAILED SITE PLAN SHOWING ALL EXISTING STRUCTURES/USES ON THE PROPERTY AT THE TIME THIS USE BECAME NON-CONFORMING.

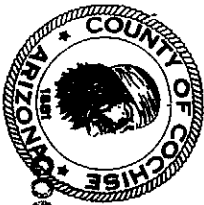
enclosed stalls, stalls w/ portable
panels, hay barn. horse tack
storage, horse trailers used for
transportation of horses. horse trailers used
to exercise horses also other farm animals

2. On what date did the use become non-conforming?
in the 1950's to 1970's Stewart Farm. owned property
was as horse property then H. Campbell used as (other)
3. Describe in detail the non-conforming use and all structures which exist on the property at the present time, including measurements of the current physical extent of the use. PLEASE ALSO PROVIDE A DETAILED SITE PLAN SHOWING ALL EXISTING STRUCTURES/USES ON THE PROPERTY AT THIS TIME.



4. Provide supporting documentation in the form of photographs, tax records, sworn affidavits from knowledgeable persons, and other evidence which may be used to verify this Affidavit of Non-Conformance.

Gregory Aue



COCHISE COUNTY PLANNING DEPARTMENT
1415 Melody Lane, Bisbee, Arizona 85603
(520) 432-9240
Fax 432-9278

MAY 22 2010

Susan Buchan, Director

**PLANNING
AFFIDAVIT OF NON-CONFORMANCE**

The undersigned does hereby swear and affirm that the below described non-conformance did exist to the stated extent on Tax Parcel # 304 R. Cysta / AV Patherville 408-22-020 before January 1, 1975 (or other applicable date the site became non-conforming) and has continued without cessation to the present date.

DESCRIPTION OF NON-CONFORMANCE

horse barding since the 50's when
lewis was there

In witness whereof, the signer does execute this Affidavit, providing the attached supporting documentation, and attesting to the truth of the non-conformance described herein.

By: Richard J. Sanchez

State of Arizona)
) ss
County of Cochise)

This instrument was acknowledged before me this 22 day of

May 2008 by Maria M. Vasquez
[Signature]
Notary Public

My Commission Expires: 11-23-2010



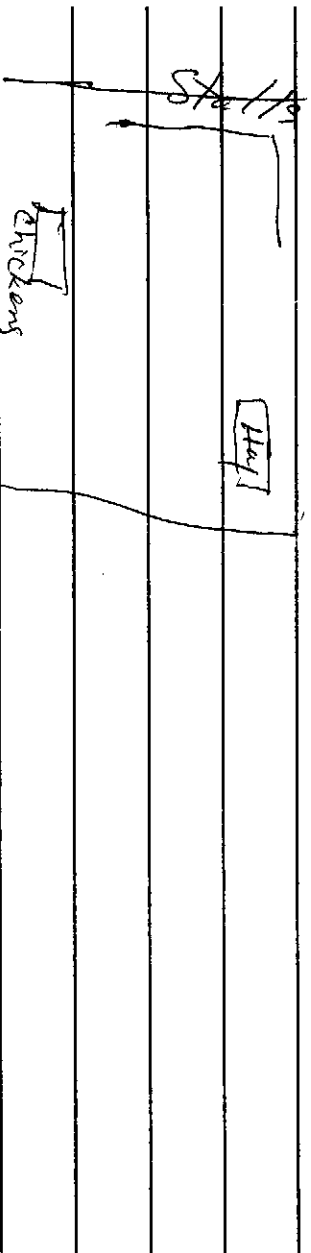
DETERMINATION OF STATUS OF NON-CONFORMANCE

1. Describe in detail the type of non-conforming use and all structures in existence when the use became non-conforming, including measurements of the physical extent of the use. PLEASE ALSO PROVIDE A DETAILED SITE PLAN SHOWING ALL EXISTING STRUCTURES/USES ON THE PROPERTY AT THE TIME THIS USE BECAME NON-CONFORMING.

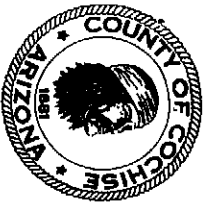
Stalls, barn, hay shade, walkers

2. On what date did the use become non-conforming?

3. Describe in detail the non-conforming use and all structures which exist on the property at the present time, including measurements of the current physical extent of the use. PLEASE ALSO PROVIDE A DETAILED SITE PLAN SHOWING ALL EXISTING STRUCTURES/USES ON THE PROPERTY AT THIS TIME.



4. Provide supporting documentation in the form of photographs, tax records, sworn affidavits from knowledgeable persons, and other evidence which may be used to verify this Affidavit of Non-Conformance.



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Susan Buchan, Director

AFFIDAVIT OF NON-CONFORMANCE

304 E. Crystal Ave. Pima
The undersigned does hereby swear and affirm that the below described non-conformance did exist to the stated extent on Tax Parcel # 408-22-020 before January 1, 1975 (or other applicable date the site became non-conforming) and has continued without cessation to the present date.

DESCRIPTION OF NON-CONFORMANCE

commercial horse boarding; sale of
hay

In witness whereof, the signer does execute this Affidavit, providing the attached supporting documentation, and attesting to the truth of the non-conformance described herein.

By: _____

[Signature]

State of Arizona)

) ss

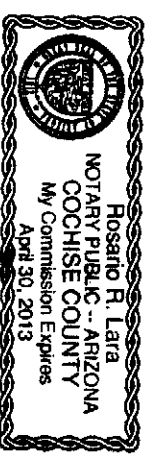
County of Cochise)

This instrument was acknowledged before me this 26th day of

May, 2008 by Jose Juan Munoz

[Signature]
Notary Public

My Commission Expires: April 30, 2013



MAY 26 2008

DETERMINATION OF STATUS OF NON-CONFORMANCE

PLANNING

1. Describe in detail the type of non-conforming use and all structures in existence when the use became non-conforming, including measurements of the physical extent of the use. PLEASE ALSO PROVIDE A DETAILED SITE PLAN SHOWING ALL EXISTING STRUCTURES/USES ON THE PROPERTY AT THE TIME THIS USE BECAME NON-CONFORMING.

portable stalls, enclosed stalls, barn,
hay shade structure, horse trailers,
horse walkers,

2. On what date did the use become non-conforming?

- horses boarded and sale of hay for generations
stewarts, camps, ranches
3. Describe in detail the non-conforming use and all structures which exist on the property at the present time, including measurements of the current physical extent of the use. PLEASE ALSO PROVIDE A DETAILED SITE PLAN SHOWING ALL EXISTING STRUCTURES/USES ON THE PROPERTY AT THIS TIME.

stalls	hay	
1975	horse pens	Board
chicken pens		

304 E. CRYSTAL AV.

4. Provide supporting documentation in the form of photographs, tax records, sworn affidavits from knowledgeable persons, and other evidence which may be used to verify this Affidavit of Non-Conformance.

Date: June 4, 2009

Subject: Rezoning Parcel 408-22-020

Dear Citizen:

You are invited to submit comments on our request to rezone our property from Residential to Neighborhood Business to bring our existing hay sales business into compliance with County zoning regulations.

Project Location: corner of Crystal and Valley streets
Proposed zoning change from R-9 (Residential to NB (Neighborhood Business)

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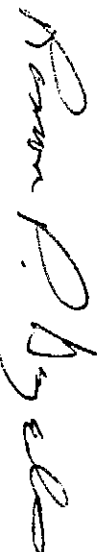
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1415 Melody Lane
Bisbee, Arizona 85603
E-mail comments to: mturisk@cochise.az.gov

To talk to a project representative Hector Hernandez, call: (520) 249-8360

Thanks



GONZALEZ, RAMON P & ADELAL
PO BOX 1118 AZ 85608
DOUGLAS

Date: June 4, 2009

Subject: Rezoning Parcel 408-22-020

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Thanks



ACOSTA DAVID V
114 21ST ST
DOUGLAS AZ 85607

Date: June 4, 2009

Subject: Rezoning Parcel 408-22-020

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ROMERO MANUEL N
1510 13TH ST
DOUGLAS AZ 85607

Date: June 4, 2009

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Bisbee, Arizona 85603
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Thanks



BORANE RONALD & RONA E
2901 15TH STREET
DOUGLAS AZ 85607

Date: June 4, 2009

Subject: Rezoning Parcel 408-22-020

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Thanks

ROIAS ARTURO C & HERMELINDA R
335 ANDERSON AVE
DOUGLAS AZ 85607

6/9/09
Hermelinda Rojas
Arturo C. Rojas

Date: June 4, 2009

Subject: Rezoning Parcel 408-22-020

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Thanks



GARCIA FRANCISCO HUMBERTO JR
1770 ROGERS AVE
DOUGLAS AZ 85607

Date: June 4, 2009

Subject: Rezoning Parcel 408-22-020

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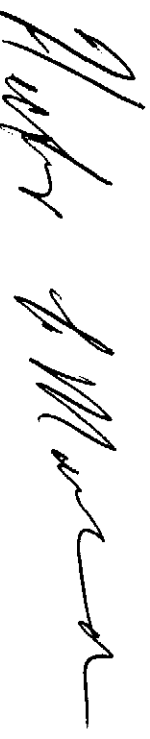
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Thanks

MORENO HECTOR F & FRANCISCA
P O BOX 817
PRILEVILLE AZ 85626



Date: June 4, 2009

Subject: Rezoning Parcel 408-22-020

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Thanks 

GALAZ ROGELIO & ANA T
5506 W DURHAM HILLS ST
MARANA AZ 85653

Date: June 4, 2009

Subject: Rezoning Parcel 408-22-020

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GARCIA HUMBERTO
801 PAN AMERICAN AVE
DOUGLAS AZ 85607

Date: June 4, 2009

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ROMAN JORGE O
310 ANDERSON AVE
DOUGLAS AZ 85607

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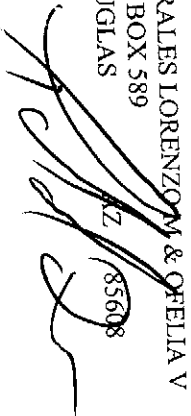
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249-8360

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MORALES LORENZOM & OFELIA V
P O BOX 589
DOUGLAS
AZ 85608



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PEREZ VICENTE B ETUX
45 21ST ST
DOUGLAS AZ 85607

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2350 E 12TH ST
DOUGLAS

AZ 85607



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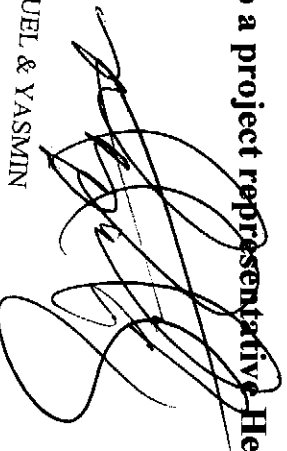
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Thanks



MARTINEZ MIGUEL & YASMIN
P O BOX 634
PIRTLEVILLE AZ 85626

Peace Officer #513

Miguel Martinez

SPECIAL USE: Docket Z-09-06 (Guerrero)

☒ **YES, I SUPPORT THIS REQUEST**

Please state your reasons:

*All citizens have the right to obtain
an interview*

_____**NO, I DO NOT SUPPORT THIS REQUEST:**

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S):

Nora Lee Gonzales Acosta

SIGNATURE(S):

Nora Lee Gonzales Acosta

YOUR TAX PARCEL NUMBER: *408-22-049 - 408-22-050A*
408-22-0492 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS _____

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. Written comments must be received by our Department no later than 4 PM on August 31, 2009 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.

RETURN TO: Michael Turisk

Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: mturisk@cochise.az.gov
Fax: (520) 432-9278

SPECIAL USE: Docket Z-09-06 (Guerrero)

____ YES, I SUPPORT THIS REQUEST

Please state your reasons:

*I Believe That Every Tax
Pay citizen has The right To Establish
A Business,*

____ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Ramon F. Gonzales

SIGNATURE(S):

Ramon F. Gonzales

YOUR TAX PARCEL NUMBER: _____ (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS *114-21 ST*

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